

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ISAAC ISAIAH, M.D.

v.

WHMS BRADDOCK HOSPITAL
CORPORATION, ET AL.

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Civil No. JFM-07-622

MEMORANDUM

Plaintiff instituted this action against the Board of Trustees of Western Maryland Health System, Inc., the Board of Trustees of WHMS Braddock Hospital Corporation, and the Board of Trustees of Cumberland Memorial Hospital Corporation (“the three Boards”). Defendants have moved to dismiss on the grounds that (1) to the extent that plaintiff is pursuing a claim under the Health Care Quality Improvement Act (“HCQIA”), his claim fails because there is no express or implied cause of action under the HCQIA and (2) to the extent that plaintiff is pursuing a claim for breach of contract, his claim against the three Boards’ fails because none of them had a contractual relationship with plaintiff.

Plaintiff responded to the motion to dismiss by (1) stating that he had not filed any claim under the HCQIA, and (2) agreeing to amend his complaint to bring in the proper parties to the action. Plaintiff filed with his response an amended complaint dropping the three Boards as defendants and substituting two new defendants - WHMS Braddock Hospital Corporation and the Memorial Hospital and Medical Center of Cumberland, Inc. - in their stead.

Plaintiff’s actions have caused an unusual procedural morass. Under the circumstances I have concluded that the cleanest and most expeditious route to follow is to grant the three Boards’ motion to dismiss. The effect of this ruling is to dismiss this action. The ruling is,

however, without prejudice to plaintiff filing a new action against the two defendants whom he has named in his Amended Complaint.

A separate order effecting the ruling made in this memorandum is being entered herewith.

Date: August 15, 2007

/s/
J. Frederick Motz
United States District Judge